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TESTIMONY

ON

EAST TIMOR

Submitted by

David Hinkley, Chairman

Amnesty International U.S.A.

to

Subcommittee on Foreign Operations

of the

Committee on Appropriations

U.S. House of Representatives

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Amnesty International is a world wide voluntary human rights organization which works for the release of all prisoners of conscience. Amnesty International is opposed to capital punishment in all cases without reservation, advocates fair and prompt trial for political prisoners, and campaigns for the abolition of torture. Amnesty International is independent of all governments, political ideology, economic interests or religious ideologies.

Amnesty International wishes to convey to this sub-committee its deep concern about the situation in East Timor. Since the Indonesian invasion of that territory, there have been persistent reports of violations of human rights in East Timor, relating to imprisonment and to the execution without trial of both civilians and of former combatants. Amnesty International has had considerable difficulty in establishing the veracity of these reports primarily because of a strict prohibition imposed by the Indonesian occupation forces preventing unhindered access to the territory and the free flow of information out of it. In recent months Amnesty International has received reliable information that violations of human rights of concern to the organization have occurred and are still occurring in East Timor. Amnesty International now believes that there are strong grounds for fearing that the Indonesian occupation forces in East Timor have executed Fretilin members who had either been captured or had surrendered under the terms of an amnesty

guaranteeing their physical safety. Amnesty International also believes that a number of persons who have been held in prisons since the invasion and took no part in the fighting, must be regarded as political prisoners, and, in some cases, as prisoners of conscience who have neither used nor advocated the use of violence. Amnesty International is also concerned that approximately 800 persons are being held in prisons in the capital, Dili, alone and more prisoners may be held in other places.

Amnesty International is grateful for the opportunity to submit to this sub-committee a summary of findings on human rights violations in East Timor. These findings relate firstly to 'disappearances' and secondly to imprisonment.

1) 'Disappearances'

After the Indonesian invasion, Fretilin forces, accompanied by many tens of thousands of East Timorese, were gradually pushed into the less accessible mountain and jungle areas. In August 1977, President Suharto offered an amnesty to all 'Fretilin remnants' who surrendered to Indonesian forces. The amnesty offer initially ran until 31 December 1977, but was renewed on that date. In the past three years, but particularly since mid-1978, large numbers of East Timorese have surrendered, most of them driven out of the bush by hunger. Among them were a number of Fretilin leaders and fighters, some others of whom were captured in this period. Amnesty International is concerned for the safety of persons who have surrendered to or been captured by the Indonesian forces.

Amnesty International has received reliable information that a number of surrendered or captured pro-independence Timorese have subsequently disappeared and may have been executed. During 1979, there were a number of reports of such disappearances. An Indonesian churchman, who visited East Timor for several months in the first half of 1979, reported that in late March 'the people of Dili were in a state of nervousness because of the news that the remaining (captured or surrendered) Fretilin leaders had been kidnapped at night, and no one knew of their whereabouts'. A Portuguese priest, describing the situation in Dili at approximately the same time, noted: 'No one who had links with Fretilin is safe; at any time they can be taken without their family knowing and put somewhere else, put in a prison camp, or, sometimes, they just disappear'. Professor Benedict Anderson in testimony to the House Sub-committee on Asian and Pacific Affairs on 6 February 1980 said: 'Reports from a variety of sources including US officials (off the record) describe summary executions of surrendering Fretilin guerillas'.

Amnesty International's own investigations confirm these reports. The organization has collected the names of 22 individuals who surrendered or were captured and whose present whereabouts are unknown. Fears have been expressed to Amnesty International that all these persons have been executed by Indonesian forces. Moreover, although some of these persons were reported to have been killed almost immediately after surrender, the majority disappeared after a period of detention

and, in some cases, subsequent release spanning up to eighteen months. This latter group were picked up from their homes or taken from their prisons and have not been seen since. All cases of this pattern of disappearance known to Amnesty International occurred in 1979.

Let us cite some cases:

Leopoldo Joaquim, a member of the Fretilin Central Committee, surrendered in Same in the southwest of the territory in early 1978. The event was considered sufficiently important by the Indonesians for them to draw up a propaganda leaflet bearing his photograph and announcing his surrender. He was detained for several months after his surrender in San Tai Ho prison, a converted warehouse in Dili. After his release he was required to report regularly to the local military command and Indonesian officers were frequently seen eating at his house. In April 1979, he was taken by Indonesian troops and escorted to the house where his 17-year-old niece, Maria Gorete Joaquim, lived. Maria Gorete Joaquim had been detained for six months in 1976 for her role in the Fretilin student organization, UNETIM. Both Leopoldo and Maria Gorete Joaquim were then taken away, purportedly to work in Baucau. Neither has been seen or traced since.

Dulce Maria da Cruz disappeared from prison. She was captured in March 1979 with her three-year-old child. She was taken to Dili and detained. Nothing has been heard of her since, though her child is believed to be living with relatives in the village of Ostico. A former student in Lisbon,

Dulce Maria da Cruz had been appointed principal of a primary school in Dili in October 1974. In January 1975, she was selected by the Portuguese administration to sit on a Commission for Education Reform.

Joao Baptista de Jesus Soares was held for six months in San Tai Ho prison after his surrender in early 1978. He remained at conditional liberty until April or May 1979 when he was picked up from his home by Indonesian soldiers and probably executed. Aged about 40 years old at the time of his disappearance, Soares was one of several Timorese members of the Portuguese army who joined the Fretilin forces.

Unlike some others who have disappeared, neither Filomeno Alves nor Manecas Exposto was a leading figure in Fretilin. But, before the events of 1975, both had been known in Dili as members of a popular musical group, the Cinco do Oriente. Prior to the invasion, the two were students at the Lyceo in Dili and members of the Fretilin student organization, UNETIM. They surrendered together in Maubisse in January 1979. They were taken to Dili and held in San Tai Ho prison. In April 1979, shortly after being released from San Tai Ho, they disappeared. Both would now be approximately 23 years old. Both Filomeno Alves and Manecas Exposto had several relatives in Fretilin.

Not all disappearances known to Amnesty International have occurred in Dili after a period of detention. Some, including Sebastiano Doutel Sarmento and Domingos Ribeiro, disappeared almost immediately after surrender. Others were permitted to

return to their homes and disappeared some time later. Joao Andrade Sarmento, a member of the Fretilin Central Committee, surrendered in Uato-Carabau with his wife and eight children in October or November 1978. He and his family were escorted on foot the 40 kilometres to their home town of Los Palos. There, Sarmento resumed work as a nurse. In June 1979, he was summoned by the Indonesian military authorities and is believed to have been executed.

In view of this information, Amnesty International is concerned about the fate of surrendered and captured Timorese, particularly those identified by the Indonesian forces as Fretilin supporters who actively engaged in resisting the invasion, as well as their families. Amnesty International is not in a position to estimate the total number of East Timorese who have disappeared. However, there is no reason to suppose that the list of 22 names is a complete list of all those who have disappeared in circumstances as described above. Indeed, Amnesty International continues to receive statements containing new reports of such disappearances.

A report smuggled out of Dili and dated 26 March 1980 alleges: 'the majority of the uneducated people who have come down from the jungle have already been killed. Specific cases that I know of are ... (seven names follow of which only one was on the Amnesty International list) ...'.

The report continues: 'The last two, according to eye-witnesses, were burned to death with petrol in Viqueque .... When they want to liquidate someone they say they have gone

to continue their studies or that they have left for Jakarta or Lisbon, or that they were called urgently to Kelicai. Kelicai is an administrative post at the foot of Mount Mantebiam, at the eastern end of the island, where they have carried out many murders. To speak of Kelicai makes our hearts beat and our hair stand on end, for Kelicai represents ... certain death for those who are called there urgently. Thus, the life of the few who remain is at present between the wall and the sword .... I have had contact with three of the (Indonesian) government's most faithful servants, separately at different times and in different places, and all three have told me the same thing: that later all those who had some kind of responsibility in the bush will be liquidated, and that all those who came down (from the mountains) at the end of 1978 and in 1979 are suspected and will be executed as many before them have been already'. A letter from East Timor dated 8 March 1980 says: 'There are people who surrendered four years ago now being executed by the Javanese (i.e. Indonesian troops), just because they (the Indonesians) heard information that they had assisted Fretilin. In the face of these atrocities discontent reigns, and the people return to the bush. The Indonesians say: it's not good to continue in the bush. But when we surrender to them, they shoot us. The best thing is to return to the bush to fight until death'.

There are a number of Fretilin members known to have surrendered or been captured and to be still alive according to the most recent reports. These include Xavier do Amaral,

the former President of the Democratic Republic of East Timor, and Mr Alarico Fernandes, former Fretilin Minister for Security and Internal Administration, who were both believed to be alive in Dili at the end of 1979; and Juvenal Inacio, former Fretilin Minister of Finance, who as of March 1980 was reported to be alive and in prison in Baucau. Amnesty International has the names of other surrendered or captured persons who are believed to be still alive. In view of disappearances known to have occurred and reports that they are still occurring, Amnesty International is concerned that these persons may be in grave danger.

2) Imprisonment

Amnesty International believes that a number of East Timorese have been held in prison since shortly after the Indonesian invasion, some of whom, though members of Fretilin or Fretilin-affiliated organizations, are certainly political prisoners and may on further investigation be prisoners of conscience. The specific cases of such prisoners known to Amnesty International are former members of the Fretilin-affiliated student organization, UNETIM.

Amnesty International is also concerned at the conditions in which an unknown number of Timorese deemed to favour an independent East Timor but at least 800 are being held in prisons in the territory.

Amnesty International knows of three prisons in which political prisoners are held. These are: the former San Tai Ho

warehouse and the former Portuguese District Prison (Cadeia Comarca, still known as the Comarca), both in Dili, and Baucau prison.*

Detention centres are believed to exist in each of the other eleven district capitals, though these appear to be converted buildings which function as temporary centres for surrendering Fretilin fighters.

The Comarca, built by the Portuguese 120 years ago, is the largest of these prisons with approximately 70 cells and a capacity of 700-1,000 prisoners. An informant who visited the prison in late 1979 said it was then overcrowded and many prisoners appeared to be seriously undernourished. The prisoners' regular diet consists of rice and kangkung (a type of spinach) supplemented once a week on Sundays by a small amount of meat. Prisoners are required to work from 5am to 5pm every day, cultivating food for themselves and their guards, constructing roads and as servants in the houses of Indonesian officers. In addition to malnutrition, tuberculosis is rampant in the prison, aggravated by the stone floors on which the prisoners are forced to sleep in close proximity, and by the neighbouring swamp. Those held in the Comarca are believed to be largely rank-and-file members of Fretilin or its affiliated

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* cf. 'The Timorese dignitary asserted that four concentration camps or political prisons existed - two here (in Dili), one in the second town of Baucau and one near Maliana.' (Henry Kamm, Timor's Legacy: Useless Currency, Stranded People, New York Times, 30 January 1980). Amnesty International has not been able to confirm the existence of a prison near Maliana.

organizations including some detained since shortly after the invasion who never participated in the fighting. Fretilin supporters who surrendered to the Indonesians more recently are also held in the Comarca.

The San Tai Ho warehouse, a two-storey building which was converted into an interrogation centre and prison soon after the Indonesian invasion, lies in the commercial district of Dili close to the port. The ground floor consists of three rooms, comprising two cells holding approximately 20 prisoners each, and a garage. Upstairs are two smaller cells each holding approximately three women prisoners, and the prison administration office. In recent times, many captured and surrendering Fretilin members have been held in the San Tai Ho. San Tai Ho is also the only detention centre known to hold women prisoners. Amnesty International has received reports of prisoners in both the Comarca and San Tai Ho prisons being beaten. There have also been persistent reports of the use of torture to gain information from persons held in the San Tai Ho. These include allegations of torture by burning with cigarettes of two women - Elda Saldanha and Maria Gorete Joaquim - held in San Tai Ho in 1976-77. Although, like the Comarca, San Tai Ho holds some long-term prisoners, it appears to function primarily as an interrogation centre and, unlike the Comarca, is administered not by the Military Police but by Military Intelligence.

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In December 1977, Amnesty International publicly called on the government of Indonesia and the leadership of Fretilin to facilitate the entry into East Timor of the International Committee of the Red Cross in order to carry out its functions in accordance with the resolution adopted by the United Nations General Assembly in the previous month. This appeal was issued in response to reported allegations of the killing and detention of non-combatants by the Indonesian occupation forces. As this sub-committee is aware, the Indonesian government has permitted the entry of the ICRC personnel for the purpose of administering a food and medical relief program since October last year. Amnesty International is not in a position to comment on the adequacy of that program but it continues to believe that the role of the ICRC should be allowed to be expanded so as to include its other internationally-recognized functions of tracing missing persons and prison visitation.

We believe such steps to be the minimum required in view of recent reliable information received by Amnesty International, which confirms that serious violations of human rights have occurred and are still occurring in the territory of East Timor. In a letter to President Suharto dated 29 April 1980, Amnesty International appealed to the Indonesian government not only to co-operate in ensuring that the ICRC be permitted to expand its activities in East Timor but also to carry out its own investigation into the present whereabouts of persons who had disappeared after surrender or capture and into conditions in which several hundred East Timorese are imprisoned. The same

letter urged President Suharto to instruct Indonesian forces to ensure the physical safety of former Fretilin supporters in compliance with the terms of the amnesty originally offered by the President. No reply to this letter has been received.

Amnesty International regards the information it has received from East Timor with especial concern. The cases of disappearance and imprisonment of the type cited above indicate that Indonesian forces have been operating in East Timor in disregard of internationally-recognized principles of law. According to these principles, all governments should judge and punish persons alleged to have committed crimes within a framework of legality consistent with respect for and protection of human rights. Even in cases of armed conflict, minimum standards for treatment of prisoners as set forth in the Geneva Conventions of 1949, prohibit torture and murder. Disappearances, involving in the case of East Timor, abduction and probable execution of persons by government agents, put in abeyance such legal principles. When a person disappears, there is no legally authorized process of arrest and detention, no charge or trial, and no legally defined limits to punishment. The general phenomenon of disappearances was characterized by the US representative at the 36th session of the UN Human Rights Commission as an 'official blessing on lawlessness, a form of government-condoned anarchy, a case of state-sanctioned terror'. Amnesty International is concerned that such cases of lawlessness be brought to the attention of the international community.